

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**NATHANIEL L. COLEMAN**

**PETITIONER**

**VERSUS**

**CIVIL ACTION NO. 1:11cv223HSO-JMR**

**STATE OF MISSISSIPPI, ET AL.**

**RESPONDENTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION,  
AND GRANTING RESPONDENTS' MOTION TO DISMISS,  
AND DISMISSING PETITION FOR WRIT OF HABEAS CORPUS**

This matter is before the Court on the Report and Recommendation of Chief United States Magistrate Judge John M. Roper [13-1] entered in this cause on December 12, 2011. Also before the Court is the Respondents' Motion to Dismiss [7-1] Nathaniel Coleman's *habeas corpus* Petition based on the provisions of 28 U.S.C. § 2244(d). Respondents contend that Coleman's *habeas* Petition was not timely filed and should be dismissed. The Court has thoroughly reviewed the findings in the Report and Recommendation, the record, and the positions advanced in the Motion, and concludes that Coleman's Petition was untimely filed. Respondents' Motion should therefore be granted.

To date, no objection to the Report and Recommendation has been filed by Petitioner.<sup>1</sup> Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of it. See 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection

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<sup>1</sup> The record reflects that on January 3, 2012, Petitioner signed for receipt of the Report and Recommendation [14-1].

is made.”). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge’s Report and Recommendation thoroughly considered all issues, is neither clearly erroneous, nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Defendant’s Motion to Dismiss should be granted. Said Report and Recommendation should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [13-1] of Chief Magistrate Judge John M. Roper entered on December 12, 2011, is adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Respondents’ Motion to Dismiss [8-1] filed JULY 11, 2011, is **GRANTED**. A separate judgment will be entered in accordance with this order as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 8<sup>th</sup> day of March, 2012.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE